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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

SEP - 8 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of ) MM Docket No. 93-156  
)  
)  
Trinity Christian Center of )  
Santa Ana, Inc., d/b/a TRINITY )  
BROADCASTING NETWORK ) File No. BRCT-911129KR  
)  
)  
For Renewal of License of )  
Commercial Television Station )  
WHSB-TV, Monroe, Georgia )  
)  
and )  
)  
GLENDALE BROADCASTING COMPANY ) File No. BPCT-920228KE  
)  
)  
For Construction Permit )  
Monroe, Georgia )

To: Honorable Joseph Chachkin  
Administrative Law Judge

MOTION FOR LEAVE TO FILE REPLY

Glendale Broadcasting Company (Glendale), by its attorneys, now moves for leave to reply to the "Mass Media Bureau's Comments On Contingent Motion to Enlarge Issues" filed on September 1, 1993.

The Bureau's comments on the "Contingent Motion to Enlarge Issues" filed by Trinity Christian Center of Santa Ana, Inc. (Trinity) raise a new issue not explicitly discussed in Trinity's motion. The new issue is the applicability of the holding in United Artists Broadcasting, Inc., 4 RR 2d 453, 459 (Rev. Bd. 1964) that:

The Commission assumes that an applicant will be able to honor its financial commitment '[w]here a small amount of money must be obtained from a large amount of non-liquid assets.'

Bureau Comments, P. 3. Trinity's petition, which focused on the issue of whether Glendale was required to have appraisals of non-liquid assets in hand at the time of certification, did not explicitly discuss the United Artists doctrine.<sup>1</sup> The Bureau has introduced a new argument concerning Glendale's financial qualifications that was not clearly raised in Trinity's motion.

"It is apparent that the introduction of new allegations and/or issues in responsive pleadings deprives the opposition of opportunity to answer such new matters that might be relevant to the request." Milam & Lansman, 4 RR 2d 463, 466 (Rev. Bd. 1964). If the Bureau had merely supported Trinity's argument concerning the need for appraisals, Glendale's opposition would have constituted an adequate response. The Bureau's argument concerning United Artists, however, is a significant departure from the thrust of Trinity's motion. It would violate Glendale's due process rights to add a financial qualifications issue based upon an argument it has had no opportunity to respond to. It is not seeking to have the Bureau's argument stricken. It merely is seeking the right to

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<sup>1</sup> In a cryptic sentence, Trinity suggested, "Moreover, even taking Gardner's declaration in the light most favorable to Glendale, the ratio of his total assets (\$11,997,327) to his loan commitment (\$5,040,882) is substantially less than the ratios deemed acceptable in other cases." Trinity Motion, P. 9. That sentence does not refer to the United Artists doctrine or cite that case.

respond to arguments concerning its basic qualifications. See Chicagoland TV Co., 4 RR 2d 747, 750 (Rev. Bd. 1965) (reply to new matter in Bureau comments allowed).

A grant of this motion will not cause any cognizable prejudice to either Trinity or the Mass Media Bureau. The reply is being filed well before Trinity's reply was due, and the day after the reply was actually filed, so a grant of this motion will not disrupt the procedural schedule.<sup>2</sup> Their arguments will still be fully considered by the Presiding Judge. Acceptance of the tendered reply would merely comply with fundamental fairness by allowing Glendale to respond to the Bureau's argument.

Accordingly, Glendale asks the Presiding Judge to accept the "Reply to Mass Media Bureau's Comments on Contingent Motion to Enlarge Issues" being filed simultaneously with this motion.

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<sup>2</sup> The reply was drafted prior to receipt of Trinity's reply, and Glendale is not attempting to respond to Trinity's reply.

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Respectfully submitted,

GLENDALE BROADCASTING COMPANY

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Date: September 8, 1993

CERTIFICATE OF SERVICE

I, Dana Chisholm, do hereby certify that on the 8th day of September 1993, a copy of the foregoing "Motion For Leave To File Reply" was sent first-class mail, postage prepaid to the following:

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